

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN J. YALE,

Defendant.

8:05CR191

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's "Motion for Reduction of Sentence Pursuant to Section 404(b) of the First Step Act of 2018," ECF No. 130.

The Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 (2010), effective August 3, 2010, reduced the penalties for certain crack cocaine offenses. The First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018), permits but does not require sentencing judges to reduce sentences imposed prior to the Fair Sentencing Act.

Because the Defendant's conviction was for Conspiracy to Distribute or Possess with Intent to Distribute *Methamphetamine*, he is ineligible for any sentence reduction pursuant to the Fair Sentencing Act and First Step Act.

IT IS ORDERED:

1. The Defendant's "Motion for Reduction of Sentence Pursuant to Section 404(b) of the First Step Act of 2018," ECF No. 130, is denied; and
2. The Clerk will mail a copy of this Memorandum and Order to the Defendant at his last known address.

Dated this 22nd day of February 2019.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge